

State Board of Education Meeting Audio – Part 1
Opening, Call to Order, Roll Call, Approval of Agenda, Approval of Minutes, Formal
Public Comment, Committee Reports from State Board Members, Budget Update,
Statewide Review of Educational Opportunities, Secretary's Report

Meeting called to order at 1:00 p.m. The following members of the State Board were present: Teri Quinn Gray, President; Jorge L. Melendez, Vice President; G. Patrick Heffernan, Randall L. Hughes, II; Barbara B. Rutt; and Terry M. Whittaker. Secretary of Education Mark Murphy was present to serve as the Executive Secretary for the State Board and the Board's Executive Director, Donna Johnson, was also present.

Attached is the sign in sheet of attendees for the Board meeting. The agenda was approved as amended. Regulation 1595 under the Professional Standards Board items was removed from discussion. The motion was made by Dr. Whittaker and seconded by Mrs. Rutt. The motion carried unanimously by voice vote.

Minutes from Retreat of May 14, 2015 were distributed prior to the meeting. A motion was made by Dr. Whittaker to approve the minutes of the retreat as presented. The motion was seconded by Mr. Melendez and carried unanimously by voice vote.

Minutes from the Retreat of May 15, 2015 were distributed prior to the meeting. A motion was made by Mrs. Rutt to approve the minutes of the retreat as presented. The motion was seconded by Mr. Melendez and carried unanimously by voice vote.

Minutes from the special meeting of May 21, 2015 were distributed prior to the meeting. A motion was made by Dr. Whittaker to approve the minutes of the special meeting as presented. The motion was seconded by Mr. Melendez and carried unanimously by voice vote.

Minutes from the regular meeting of May 21, 2015 were distributed prior to the meeting. A motion was made by Dr. Whittaker to approve the minutes of the regular meeting as presented. The motion was seconded by Mr. Heffernan and carried unanimously by voice vote.

Ilona Kirshon, Deputy Attorney General and legal counsel for the State Board of Education explained public comment is not allowed at the Board meeting at which that action is to be taken. There is an appropriate time for public comment to be part of the record.

Mike Matthews, a teacher in the Red Clay School District, spoke about the Board's public comment policy which is printed on the sign in sheet, website and agenda. He asked that the Board revoke its policy on restricting public comment at the meeting where action is taken on items with a published public comment period that had already closed.

Board members highlighted their monthly activities. Ms. Johnson provided the Board with a summary of her activities and also noted the items that were posted for the Board and the public to read posted under her report on the agenda. She announced that the date if the State Board's workshop of data privacy had been changed to August 3rd. President Gray noted that HB 50, the opt out legislation, has kept her very busy recently.

At this time the State Board recognized Randall L. Hughes. Mr. Hughes was attending his last State Board meeting as he submitted his resignation from the State Board, effective June 30th or when his successor was named. He was presented with the State Board's Order of

Excellence and a gift from the State Board. Dr. Gray announced that Mr. Hughes was recently named the Georgetown Chief of Police and she thanked him for his years of service on the State Board. Mr. Hughes commented on the dedication of his fellow Board members and how they strive to work in the best interest of children.

Mr. Melendez noted that the Budget Committee recent met to discuss the end of the year finances. The Committee was in agreement to enter into a contract with Margaret Aitken to assist with communication and outreach. It was noted that the funds for Ms. Aitken's contract were earmarked when the Board approved is budget for FY '15 last August. Mr. Melendez made a motion that the Board proceed with the contract. The motion was seconded by Mrs. Rutt and carried unanimously by voice vote.

Ms. Johnson provided a brief update on the SREO Project noting that the second meeting was held where additional feedback from stakeholders was collected and incorporated into the RFP, which is now posted on the State webpage.

Secretary Murphy provided his monthly report. Data shows that 98% of Delaware students that are ready for college are going and that the efforts of the State in this area are working. He noted that the Department would be receiving its annual report on special education and students with disabilities and the report will not show great improvement since it is based on lag data from over a year ago. He highlighted initiatives that are showing success and noted that the data used in the report is two years old.

Secretary Murphy also noted schools that recently received recognition including the Lewis Dual Language Program and Eastside Charter School. The Board asked for a short update on the priority schools. Mr. Murphy noted that there was not much to update the Board on since its retreat but stated that the Department expects when the students get to school in the fall that they will be well served and that all six schools have been working on culture, curriculum and leadership as well as best practices and additional services.

State Board of Education Meeting Audio – Part 2
Showcase of Innovation – Demonstration of Work Using Learning Management Systems, Educational Technology and Personalized Learning

As a follow up to last month's presentation on education technology, the Board received a presentation on demonstration of work using learning management systems, educational technology and personalized learning. Tara Amsterdam, the Instructional Technology Coach for the Colonial School District and Michael League the Instructional Technology Coach for the Indian River School District demonstrated how Schoology is used for professional development, collaboration, designing and implementing digital curriculum, teaching 21st Century Skills and for customized learning.

The Board recessed from 2:38 p.m. to 2:48 p.m.

State Board of Education Meeting Audio – Part 3
Pathways to Prosperity and Career Technical Education Update, Department Regulations

Pathways to Prosperity and Career Technical Education Update

Luke Rhine presented to the State Board the Department's roadmap for career and technical education which includes some pathways being revised, some receiving a complete transformation and some new pathways. Through an innovation grant, the Department will support nineteen high schools in establishing new CTE programs and transitioning to state model programs. The grant also offers industry certification for some CTE programs and dual enrollment. And finally, the grant offers professional learning for teachers and administrators.

Department Regulations

Tina Shockley, the Department's Policy Advisor, presented the Department's regulations

Regulation 902 Gifted and Talented Education Plan – For Action

The Secretary of Education seeks the consent of the State Board of Education to add 14 DE Admin. Code 902 Gifted or Talented Education Plan. This regulation is being created pursuant to 14 Del. C. §3126, which states that the extent of programs and facilities provided for children determined to be gifted or talented shall be in accordance with the rules and regulations of the Department. This regulation develops the rules and regulations relative to standards for identifying gifted or talented students, and the development, implementation and monitoring of programs for gifted or talented children. It was republished because of feedback received related to the timing of the development and implementation of plans and whether charter schools should be subject to this requirement. The regulation has been updated to provide more time for school districts to develop and implement plans and to eliminate this requirement by regulation for charter schools. Additionally, the regulation has been revised to change the order of some of the subsections so that information about the same subject or component is grouped together. Finally, the regulation has been revised to clarify the process of identification of a gifted or talented student. Ms. Shockley briefly highlighted the comments received and Deb Hansen was present to respond to questions from the Board. A motion was made by Mrs. Rutt to consent to the promulgation of Regulation 902. The motion was seconded by Mr. Hughes and carried unanimously by voice vote. The Board signed the appropriate Order.

Regulation 106A, Delaware Performance Appraisal System (DPAS) II Teachers – For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. The revisions include, but are not limited to, the vertical articulation and symmetry of language across the majority of Appraisal Criteria, Component, and Summative ratings areas, an increase in the weight of the observational Components and a decrease in the weight of the Student Improvement Component in certain summative scenarios, and an overall shift to Annual Appraisal Cycles for all teachers. This regulation is therefore being amended to ensure continuity of language in the Appraisal Criteria, Component and Summative ratings section and to identify the shift to Annual Appraisal Cycles for all teachers (to begin in the 2016-2017 school

year), and to address revisions that arise as a result.. The proposed revisions respond to stakeholder feedback by further streamlining the evaluation system, giving administrators greater ability to differentiate support, and promoting a greater emphasis on the annual processes of observation, feedback, and professional growth. Ms. Shockley briefly highlighted the comments received. Christopher Ruszkowski and Shannon Holston were present and responded to questions from the Board. A motion was made by Mr. Melendez to amend Regulation 106A . The motion was seconded by Dr. Whittaker and carried by roll call vote (Yes: Dr. Gray, Mr. Melendez, Mr. Hughes, Mrs. Rutt, Dr. Whittaker; No: Mr. Heffernan). The Board signed the appropriate Order.

107A Delaware Performance Appraisal System (DPAS) II, Specialists – For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. The revisions include, but are not limited to, the vertical articulation and symmetry of language across the majority of Appraisal Criteria, Component, and Summative ratings areas, an increase in the weight of the observational Components and a decrease in the weight of the Student Improvement Component in certain summative scenarios, and an overall shift to Annual Appraisal Cycles for all specialists. This regulation is therefore being amended to ensure continuity of language in the Appraisal Criteria, Component and Summative ratings section and to identify the shift to Annual Appraisal Cycles for all teachers (to begin in the 2016-2017 school year), and to address revisions that arise as a result.. The proposed revisions respond to stakeholder feedback by further streamlining the evaluation system, giving administrators greater ability to differentiate support, and promoting a greater emphasis on the annual processes of observation, feedback, and professional growth. Ms. Shockley briefly highlighted the comments received. Christopher Ruszkowski and Shannon Holston were present and responded to questions from the Board. A motion was made by Dr. Whittaker to amend Regulation 107A. The motion was seconded by Mr. Melendez and carried by roll call vote (Yes: Dr. Gray, Mr. Melendez, Mr. Hughes, Mrs. Rutt, Dr. Whittaker; No: Mr. Heffernan). The Board signed the appropriate Order.

Regulation 108A, Delaware Performance Appraisal System (DPAS) II, Administrators – For Action

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised. The amendments include, but are not limited to clarifying the possible combination of summative ratings for “Needs Improvement”, clarifying the processes to earn one’s credential to evaluate various administrators utilizing DPAS-II, and issuing the proposed amended regulation to be in effect beginning with the 2015-16 school year. Ms. Shockley briefly highlighted the comments received. Christopher Ruszkowski and Shannon Holston were present and responded to questions from the Board. A motion was made by Mrs. Rutt to amend Regulation 108A. The motion was seconded by Dr. Whittaker and carried by roll call vote (Yes: Dr. Gray, Mr. Melendez, Mr. Hughes, Mrs. Rutt, Dr. Whittaker; No: Mr. Heffernan). The Board signed the appropriate Order.

It was noted that Regulation 804 was for the Board's information only.

The Board recessed from 3:56 p.m. to 4:03 p.m.

State Board of Education Meeting Audio – Part 4 Charter School Items, Appeals

Charter Schools

Jen Nagourney from the Charter School Office and David Blowman, Chair of the Charter School Accountability Committee and Deputy Secretary of Education presented the charter items.

Formal Review of a Charter School – Academy of Dover

In early April, the Department of Education learned about potentially serious allegations of financial management by a former school leader at Academy of Dover. These issues came to light during the 2013-14 independent audit process and are currently under review by the state auditor's office. These issues raised concerns about Academy of Dover's financial management and oversight practices. Additionally, litigation with Mosaica, the school's former management company, raised concerns about the charter school's financial viability. On April 16, with the assent of the State Board of Education, the Department of Education placed Academy of Dover on formal review to determine whether the school was violating the terms of its charter in the areas of: financial viability, financial management; financial oversight; Board capacity; and Academic performance.

In its June 5th Final Report, the Charter School Accountability Committee recommended that the Secretary find that the school, or its representative, had misappropriated funds. The CSAC also recommended that Academy of Dover be placed on probation for a period of one year, subject to 8 conditions addressing all five areas of formal review. The meeting included discussion of a settlement that had been reached that same day with Mosaica, and two conditions required the submission of the executed final settlement agreement and a budget demonstrating that Academy of Dover could meet its obligations under the agreement and remain financially viable. The required materials were submitted, and the Department of Education has concluded that the first two recommended conditions have been met. Secretary Murphy noted that after considering the entirety of the record, the Academy of Dover had failed to comply with the following areas in Section 512 of Delaware's Charter School Law: board oversight, financial management, and academic performance, and that the school, or its representative, misappropriated funds. He asked for the Board's assent in placing the school on probation through June 30, 2016, subject to the following conditions:

1. The school shall submit copies of updated financial management and oversight procedures by August 1, 2015;
2. All members of the school's board of directors shall participate in training offered by the Delaware Alliance for Nonprofit Advancement by October 1, 2015;
3. All members of the school's board of directors shall participate in training offered by the Public Integrity Commission by October 1, 2015;

4. The school shall establish regular board oversight committee meetings by October 1, 2015.
5. The school shall submit evidence of ongoing academic progress by December 31, 2015; and
6. The school shall continue to hold monthly CBOC meetings and post the required documentation from each meeting to its website within the time required by law.

A motion was made by Mr. Hughes that based on the review of the record and consideration of the Secretary's decision, the Board assents to placing Academy of Dover on probation with the conditions as stated. The motion was seconded by Mr. Heffernan and carried unanimously by voice vote. A motion was also made by Mr. Hughes to assent to the findings of the formal review. The motion was seconded by Mr. Melendez and carried unanimously by voice vote.

Formal Review of a Charter School – Delaware Design Lab High School

Delaware Design-Lab High School was approved to open in Fall 2015 with a total of 300 students, and according to Delaware law, was required to have 80%, or 240, students enrolled by April 1. On that date, Design-Lab had enrolled only 137 students, or 46%. On April 16, with the assent of the State Board of Education, the Department of Education placed Design-Lab on formal review to determine whether the school was violating the terms of its charter in the areas of: financial viability, Leadership capacity; and Ability to implement the approved charter with fidelity.

The Charter School Accountability Committee reviewed this matter and over the process, Design-Lab's enrollment continued to grow, with 205, or 68% of total approved students enrolled by the CSAC Initial Meeting on May 13 and 240, or 80% of total approved students enrolled by the CSAC Final Meeting on June 3. Design-Lab's current enrollment is 254 students, or 85% of approved enrollment.

Although Design-Lab eventually met the 80% requirement, the CSAC recommended that Design-Lab be placed on probation, subject to conditions addressing all 3 areas of formal review. Secretary Murphy noted that after considering the entirety of the record, Delaware Design-Lab High School has failed to comply with the April 1 80% enrollment requirement. Additionally, he found ongoing concerns about financial viability, leadership capacity, and the school's ability to implement the approved charter with fidelity as it relates to services for special education students. He asked for the Board's assent that Design-Lab be placed on probation through January 31, 2016 subject to the following conditions:

1. The school shall submit monthly updates on recruitment and enrollment efforts by the first day of each month, beginning July 1, 2015;
2. The school shall submit an updated detailed budget based on the September 30, 2015 enrollment and unit count by October 31, 2015;
3. The school shall submit updates on the School Leader selection process as they become available, beginning by June 30, 2015;
4. All members of the school's board of directors shall participate in training offered by the Delaware Alliance for Nonprofit Advancement by October 1, 2015; and

5. The school shall submit a revised budget and statement of expenditures through December 31, 2015.

A motion was made by Mr. Heffernan that based on the review of the record and consideration of the Secretary's decision, the Board assents to the findings of the formal review and to placing Delaware Design Lab on probation with the conditions as stated. The motion was seconded by Mr. Melendez and carried unanimously by voice vote.

Formal Review of a Charter School – Freire Charter School

Freire Charter School was approved to open in Fall 2015 with a total of 224 students, and according to Delaware law, was required to have 80%, or 179, students enrolled by April 1. On that date, Freire had enrolled only 78 students, or 35%. On April 16, with the assent of the State Board of Education, the Department of Education placed Freire on formal review to determine whether the school was violating the terms of its charter in the areas of: financial viability. Leadership capacity; and Ability to implement the approved charter with fidelity.

The Charter School Accountability Committee reviewed this matter and over the process, Freire's enrollment continued to grow, with 208, or 93% of total approved students enrolled by the CSAC Initial Meeting on May 13 and 236, or 105% of total approved students enrolled by the CSAC Final Meeting on June 3. Although Freire had eventually met the 80% requirement, the CSAC recommended that the charter school be placed on probation, subject to conditions addressing all 3 areas of formal review. One of the conditions, the requirement that they submit a Certificate of Occupancy by June 15, has already been satisfied.

Secretary Murphy noted that after considering the entirety of the record, Freire Charter School had failed to comply with the April 1 80% enrollment requirement and he expressed ongoing concerns about financial viability, leadership capacity, and the school's ability to implement the approved charter with fidelity as it relates to services for special education students. As recommended by the Charter School Accountability Committee, he asked that the State Board assent and that Freire will be placed on probation through December 31, 2015, subject to the following conditions:

1. The school shall submit a report on its transportation plan by June 30, 2015; with an update to be submitted by October 31, 2015
2. All members of the school's board of directors shall participate in training offered by the Delaware Alliance for Nonprofit Advancement by October 1, 2015; and
3. The school shall submit a report by October 31, 2015 based upon the September 30 enrollment and unit count outlining the number of basic, intensive, and complex students by grade and what Freire is doing to implement all of the services outlined in the IEPs of those individual students.

Members of the Board discussed several of the public comments received with regard to this school with Ms. Nagourney and Mr. Blowman.

A motion was made by Dr. Whittaker that based on the review of the record and consideration of the Secretary's decision, the Board assents to the findings of the formal review and to placing

Freire School on probation with the conditions as stated. The motion was seconded by Mr. Melendez and carried unanimously by voice vote.

Formal Review of a Charter School – Prestige Academy

Prestige Academy was founded in 2008, and had an approved enrollment for 315 students in grades 5-8 for the 2015-16 school year. According to Delaware law, Prestige was required to have 80%, or 252, students enrolled by April 1. On that date, Prestige had enrolled only 186 students, or 59%. Additionally, Prestige's Academic Framework ratings for the past two school years have showed significant decline, and the school is just 0.2 points away from an overall rating of "Falls Far Below Standard."

On April 16, with the assent of the State Board of Education, the Department of Education placed Prestige on formal review to determine whether the school was violating the terms of its charter in the areas of: financial viability, Ability to implement the approved charter with fidelity; and Academic Performance.

The Charter School Accountability Committee reviewed this matter and over the process, Prestige's enrollment continued to grow, with 215, or 68% of total approved students enrolled by the CSAC Initial Meeting on May 13 and 224, or 71% of total approved students enrolled by the CSAC Final Meeting on June 3. The CSAC recommended that Prestige be placed on probation, subject to conditions addressing all 3 areas of formal review.

Secretary Murphy noted that after considering the entirety of the record Prestige Charter School has failed to comply with the April 1 80% enrollment requirement. He cited ongoing concerns about leadership capacity, academic achievement, and ability to implement the approved charter with fidelity.

As recommended by the Charter School Accountability Committee, Mr. Murphy asked for the State Board's assent that Prestige will be placed on probation through June 30, 2016, subject to the following conditions:

1. Submit monthly updates on recruitment and enrollment through September 30, 2015;
2. Submit internal student achievement data and state assessment testing data demonstrating academic growth as it becomes available (June 2015, January 2016, and June 2016);
3. Board members must participate in training offered by the Delaware Alliance for Nonprofit Advancement by October 1, 2015; and
4. Submit a budget demonstrating continued financial viability based on September 30 enrollment and unit count by October 31, 2015.

A motion was made by Mr. Hughes that based on the review of the record and consideration of the Secretary's decision, the Board assents to the findings of the formal review and to placing Prestige Academy on probation with the conditions as stated. The motion was seconded by Mr. Melendez and carried unanimously by voice vote.

Charter Monthly Update

Ms. Nagourney provided an update on the closures of Reach Academy and Moyer.

Professional Standards Board

The one item on the agenda for a discussion on Regulation 1595 was withdrawn from the Board's agenda.

Appeals and Reviews

Executive Session

P.W. v. DIAA 2015-01 – For Action

A motion was made by Mr. Melendez that the State Board go into Executive Session for the purposes of considering this student appeal and the student's pupil file. The motion was seconded by Mr. Hughes and carried unanimously by voice vote. The Board entered into Executive Session at 4:50 p.m.

State Board of Education Meeting Audio – Part 5
Appeals, Information Items, Adjournment

The Board returned to open session on a motion by Mr. Melendez. The motion was seconded by Mr. Hughes and carried unanimously by voice vote. The Board returned to open session at 4:56 p.m.

A motion was made by Mr. Hughes that having read and considered the record of the proceedings below, including the hearing transcripts, any submissions to the hearing officer including exceptions and comments filed by the parties, and the Proposed Order and it appearing the decision is fully supported by the record, free of legal error, and otherwise within the Board's powers, the Proposed Orders of the Hearing Officer be accepted and adopted as the Decision and Order of the State Board of Education. The motion was seconded by Mr. Melendez and carried unanimously by voice vote. The State Board signed the appropriate Order.

Adjournment

There being no further business, a motion was made by Mrs. Rutt to adjourn the meeting. The motion was seconded by Mr. Melendez and carried unanimously by voice vote.

The meeting adjourned at 4:57 p.m.

Respectfully Submitted;

Mark T. Murphy, Executive Secretary
and Secretary of Education

**Executive Session
Appeals and Reviews**

Ilona Kirshon, Deputy Attorney General highlighted the appeal item.

Since school disciplinary matters are confidential the Board entered into Executive Session pursuant to 29 *Del. C.* § 10004(b)(7). The motion was made by Mr. Melendez, seconded by Mr. Hughes and carried unanimously. The Board went into Executive Session at 4:50 p.m. The Board discussed the appeal with Ms. Kirshon. The Board returned to open session at 4:56 p.m.

Respectfully Submitted;

Mark T. Murphy, Executive Secretary
and Secretary of Education